



FISCAL MEMORANDUM

HB 2271 - SB 2682

April 4, 2022

SUMMARY OF BILL AS AMENDED (016907): Expands the list of offenses for which certain items may be seized utilizing criminal asset forfeiture to include: (1) kidnapping; (2) aggravated kidnapping; (3) especially aggravated kidnapping; (4) aggravated rape of a child; (5) rape of a child; (6) aggravated rape; (7) rape; and (8) and the commission of an act of terrorism. Expands the list of offenses for which certain items may be seized utilizing criminal asset forfeiture to include especially aggravated rape, especially aggravated rape of a child or grave torture, effective following enactment of SB 2841 / HB 2244 by the 112th General Assembly, creating such offenses.

Requires proceeds from all property forfeited and sold at public auction first be applied to satisfy any judgements against a defendant for restitution in favor of the victim.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – The net impact on state and local revenue cannot reasonably be determined.

Assumptions for the bill as amended:

- Based upon information provided by the Department of Correction (DOC), in each of the last 10 years there has been an average of
 - 20.70 admissions for kidnapping;
 - 23.8 admissions for aggravated kidnapping;
 - 14.3 admissions for especially aggravated kidnapping;
 - 1.10 admissions for aggravated rape of a child;
 - 18 admissions for aggravated rape;
 - 35.2 admissions for rape; and
 - 37 admissions for rape of a child.
- There has been 1 admission total in the past 10 years for commission of an act of terrorism.
- Tennessee Code Annotated § 39-11-713 establishes a priority schedule for payments of forfeiture proceeds with the reasonable expenses of the forfeiture proceeding paid first followed by distribution to participating law enforcement, the District Attorney General Conference, and the court clerk. Any remaining proceeds are required to be deposited into the General fund, if the investigating and seizing agency is a state agency, or to the

applicable local government, if the investigating and seizing agency is a local public agency.

- Passage of the proposed legislation may result in an increase in state and local revenue due to the potential for more property to be sold. In addition, the proposed legislation may result in a decrease in state and local revenue as the sales proceeds are now required to first be applied to satisfy any judgements against the defendant for restitution in favor of the victim, before any such proceeds can be allocated to state and local agencies for reimbursement of expenses. The extent and timing of any net impact on state and local revenue is dependent on multiple unknown factors and cannot be determined with reasonable certainty.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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